

# Notice of Allowability

Application No.

10/717,392

Examiner

Brian Nash

Applicant(s)

WEHRMANN, RICK STEVEN

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to TD filed 11/21/06.
2. ☒ The allowed claim(s) is/are 53-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Examiner's Comments***

1. This action is in response to applicant's amendment filed 12/7/2006.
2. The terminal disclaimer filed on 11/3/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,527,147 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Examiner's Amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jennifer Hinton at 216-622-8838 on 2/22/2007. The application has been amended as follows:

In the specifications, page 1, line 1, the title is replaced with --SYSTEM FOR DISPENSING INFLATED PLASTIC DUNNAGE--;

In the specifications, page 1, the following paragraph is inserted immediately after the title, --  
This application is a continuation of U.S. Application Serial No. 10/154,018 filed May 23, 2002, now US 6,672,037 which is a divisional application of U.S. Serial No. 09/735,111, now US 6,527,147--;

In claim 53, step a), the term "work" is replaced with --formation--;

In claim 53, step c), the term --formation-- is inserted immediately before "station";

In claim 53, step g) i), the term "dispensing" is replaced with --formation--;

In claim 53, step g) ii), the term "engaging" is replaced with --urging--;

In claim 53, step g) iii), the term "signals" is replaced with --signal--.

### ***Reasons For Allowance***

4. The following is an examiner's statement of reasons for allowance. With respect to claim 53, the prior art of record fails to anticipate or show in combination all the features of applicant's invention,

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specifically the combination of a dunnage forming machine that creates air-filled dunnage pouches, accumulates the dunnage, dispenses the dunnage via a mechanism of counter-rotating brushes that have bristles spaced to define dunnage receiving spaces and a dunnage accumulation sensor that sends signals to produce more dunnage when a predetermined low volume level is detected. While producing dunnage and dispensing it to various locations and/or to various packages, the prior art of record does not show such specific structure and mechanisms for doing so and it is the Examiner's opinion that it would not be obvious to one having ordinary skill in the art to combine references in order to arrive at applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 6 p.m.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467. The official fax number for this Group is: 571-273-8300

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/22/2007



Brian Nash